

1441
BILL NO. Z-90-07-09

ZONING MAP ORDINANCE NO. Z- Wickham

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. E-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Part of the Northeast Quarter of Section 7, Township 30
North, Range 12 East, Allen County, Indiana, more
particularly described as follows, to-wit:

Commencing at the northwest corner of said northeast
quarter; thence south 90 deg. 00 min. east (adjoining
deed bearing is used as the basis for the bearings in
this description), on and along the North line of said
northeast quarter, also being the centerline of
Illinois Road, a distance of 1701.33 feet; thence south
00 deg. 03 min. 45 sec. west, a distance of 335.0 feet;
thence south 90 deg. 00 min. east and parallel to said
north line, a distance of 255.0 feet; thence south 00
deg. 03 min. 45 sec. west, 125.0 feet to the Point of
Beginning; thence south 90 deg. 00 min. east, parallel
with the north line of said northeast quarter, 249.65
feet; thence south 00 deg. 03 min. 52 sec. west 640.0
feet; thence north 90 deg. 00 min. west 504.63 feet;
thence north 0 deg. 03 min. 45 sec. east 115.0 feet;
thence south 90 deg. 00 min. east 255.0 feet; thence
north 0 deg. 03 min. 45 sec. east 525.0 feet to the
Point of Beginning containing 4.3 acres, more or less,
and subject to all easements and rights-of-way of
record.

and the symbols of the City of Fort Wayne Zoning Map No. E-
2, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley
J. TIMOTHY MCCAULAY, CITY ATTORNEY

PAUL HELMKE, MAYOR

RECEIPT

No 7320

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6/13 1990

RECEIVED FROM Shelton \$ 100.00

THE SUM OF One Hundred DOLLARS

ON ACCOUNT OF Ordinance Amnt.

R-1 to B3/B

PAID BY: CASH ☐ #151371 CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE Romp.

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Gladieux Limited, Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B3B District the property described as follows:

See attached Exhibit "A" for legal description.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Gladieux Limited, Inc.</u>	<u>4133 New Haven Avenue</u>	By: <u>James M. Gladieux</u>
_____	<u>Fort Wayne, IN 46803</u>	<u>James M. Gladieux,</u>
_____	_____	<u>President</u>
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>James A. Federoff</u>	<u>2110 Fort Wayne Bank Bldg.</u>	<u>422-2561</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

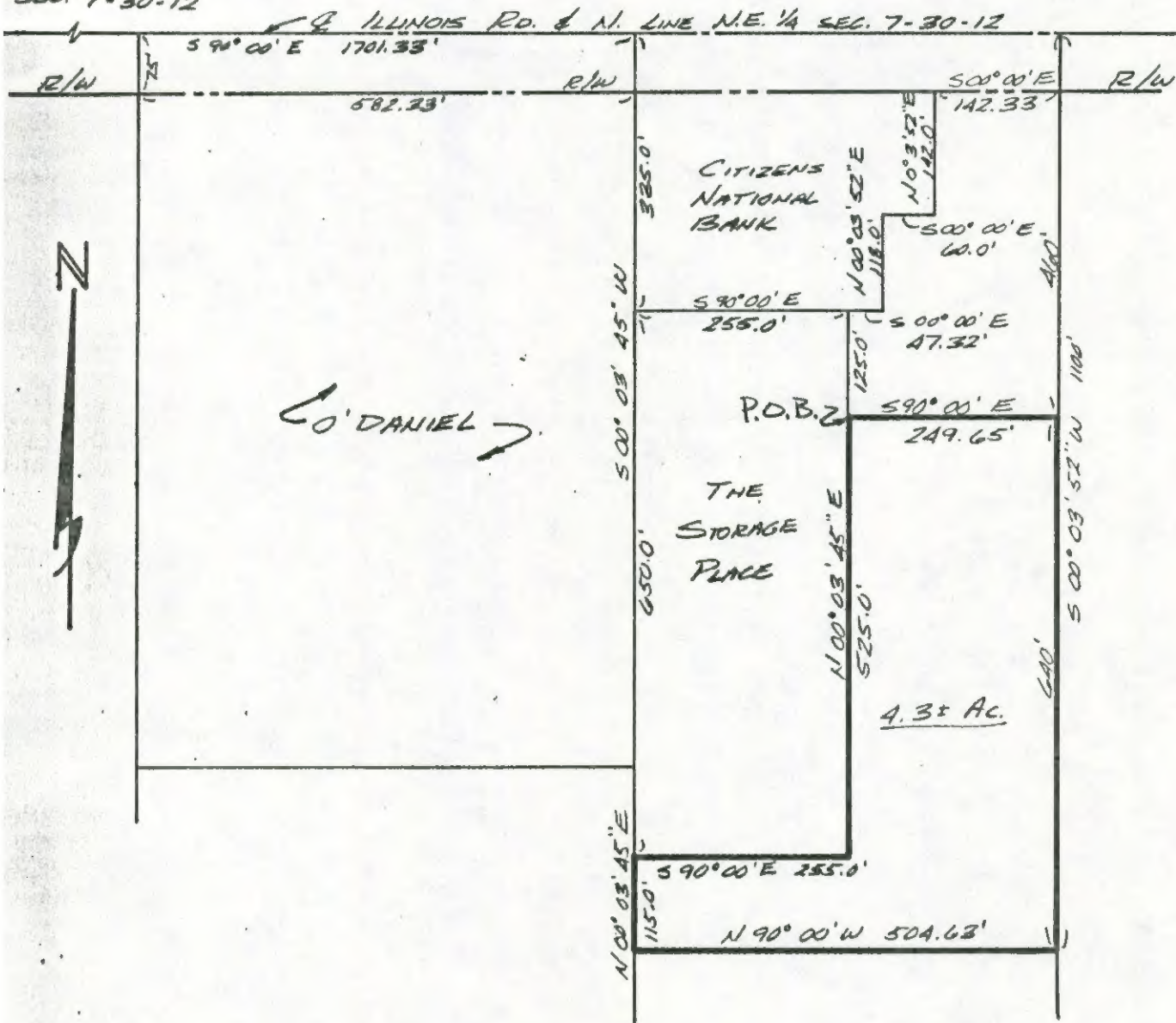


J. L. RUSSELL ASSOC., INC.

JAMES L. RUSSELL, P.E. & R.L.S., PRESIDENT
4930 ILLINOIS ROAD, • FORT WAYNE, INDIANA 46804 • (219)-436-4930

REZONING TRACT

N.W. 1/4, N.E. 1/4
SEC. 7-30-12



LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the North corner of said Northeast Quarter; Thence South 90 deg. 00 min. East (adjoining deed bearing is used as the basis for the bearings in this description), on and along the North line of said Northeast Quarter, also being the centerline of Illinois Road, a distance of 1701.33 feet; Thence South 00 deg. 03 min. 45 sec. West, a distance of 335.0 feet; Thence South 90 deg. 00 min. East and parallel to said North line, a distance of 255.0 feet; Thence South 00. deg. 03 min. 45 sec. West, 125.0 feet to the Point of Beginning; Thence South 90 deg. 00 min. East, parallel with the North line of said Northeast Quarter, 249.65 feet; Thence South 00 deg. 03 min. 52 sec. West 640.0 feet; Thence North 90 deg. 00 min. West 504.63 feet; Thence North 0 deg. 03 min. 45 sec. East 115.0 feet; Thence South 90 deg. 00 min. east 255.0 feet; Thence North 0 deg. 03 min. 45 sec. East 525.0 feet to the Point of Beginning containing 4.3 acres more or less, and subject to all Easements and Right-of-Way of Record.



Kenneth J. Russell

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-07-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1990.

Certified and signed this
28th day of August 1990.



Robert Hutner
Secretary

#441
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE

Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE

Land Use Managment - C&ED

SYNOPSIS OF ORDINANCE

5500 Block of Illinois Road directly south of

Citizen's National Bank.

2-90-07-09

EFFECT OF PASSAGE

Property is presently zoned R-1 - Single Family Residential

District. Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE

Property will remain B-3-B - General Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

MEMORANDUM

TO: City Clerk
FROM: Larry Magliozzi, Community & Economic Development *AM*
RE: Z-90-07-09

This is to inform you that due to a procedural error the above referenced file was incorrectly forwarded to your office.

The petitioner submitted a written request to withdraw the petition prior to the Plan Commissions scheduled business meeting. Under the bylaws of the Plan Commission, that request took precedent.

In evaluating the withdrawal request, the Plan Commission voted to allow the withdrawal of the petition.

FACT SHEET

Z-90-07-09

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-1 to B-3-B

DETAILS**Specific Location and/or Address**5500 Block of Illinois Road south
of Citizen's National Bank**Reason for Project**

Future commercial development.

Discussion (Including relationship to other Council actions)16 July 1990 - Public Hearing

See Attached Minutes of Meeting

27 August 1990 - Business MeetingMotion was made and seconded to return the
ordinance to the Common Council with a
DO NOT PASS recommendation.Of the eight (8) members present, seven
(7) voted in favor of the motion, one (1)
did not vote.

Motion carried.

NOTE: DO PASS motion was to
Perfect to a P.O.D.**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Gladieux Limited Inc
City Department

Other

Opponents**Groups or Individuals**Diane Noble, 5321 Kenton Ln
James Young, 1217 N Glendale**Basis of Opposition**-further commercial develop-
ment would devalue resi-
dential property values**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☐ For ☒ Against
☐ No Action Taken☐ For with revisions to condition
(See Details column for condition)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

Bill No. Z-90-07-09 - Change of Zone #441

From R-1 to B-3-B

5500 Block of Illinois Road (East and South of The
Storage Place)

James Federhoff, attorney for the petitioners Gladieux Limited, appeared before the Commission. Mr. Federhoff stated that this is approximately a 4.3 acre tract. He stated that surrounding the tract to the north is an existing B-1-B. He stated that to the northwest of the tract is Citizen's National Bank, to the west is an existing B-3-B, occupied by O'Daniel Oldsmobile. He stated that the proposed rezoning maintains the 1100 foot from centerline - division line as the Plan Commission previously established to separate commercial uses from residential uses along Illinois Road. He stated that there are only 4 lots in Westmoor Addition that are adjacent to this tract. He stated that this piece of property is actually a remanent from prior developments and rezoning. He stated that last Wednesday they met with the Westmoor Community Association Board of Directors to describe the proposed rezoning and discuss the concerns of the members. He stated that the impression he was left with was that the Board had two major concerns. One was the intensity of the B3B uses and the other was sight screening along the east side of the property between this property and Westmoor Addition. He stated they have also met with staff on several occasions. He stated it is a rather difficult piece of property to market because of its zoning and unusual shape. He stated that one of the staff concerns was the need to provide some means of ingress and egress to relieve the traffic from the residential development to the south, provide some means of access off of Illinois Road. He stated that they have also met with a prospective purchaser of the remainder of Gladieux Limited property to the south and that purchaser is interested in developing that property as single family residential and has no problem with a commercial classification. He stated that the owner is willing to commit to having the rezoning perfected to a B-1-B classification. He stated that by agreeing to a B-1-B perfection intense uses such as used auto sales or a body shop can be eliminated and would satisfy some of the concerns of the residents of Westmoor Addition. He stated that the owner is also willing to enter into a frontage road agreement, which was discussed with staff and would continue the frontage road along the south side of Illinois Road. He stated that the property owner is also willing to sign and record a document that would run with the land to construct a street within this tract to city specs with right of way 50 feet in width. He stated that the staff recommendation is for the request to be perfected to a POD classification. He stated that the problem with the POD classification at this time is the property owner does not have a particular use or project in mind. He stated that because of the unusual nature of this piece of real estate it is very difficult to market. He stated that with the conversations they have had is that there is no objection to light retail uses. He stated that the concern they have heard is the need to control some of that development. He stated that they hope that a document could be prepared that would be acceptable to the

the residents who spoke in opposition was a possible access connection between their property and Westmoor. He stated that there is no interconnection either proposed or contemplated. He stated that discussions with staff have focused in on providing circulation to Illinois Road down ultimately into Breconshire. He stated that there has also been a request that the Commission table the request until some specific project is developed. He stated that rezoning petitions are not necessarily contingent upon what is going to go in there. He stated that they feel that light retail use as a potential use for the parcel would be appropriate and would not be incompatible with the area, especially when you consider that all of the surrounding ground is zoned either B-1-B or B-3-B.

David Long stated that he would like to make an observation. He stated that since they have gone through the effort to illicit the response of the neighborhood association, the association is on record as saying they would support a POD, and the planning department would also support a POD, he felt the concerns about the marketability of the property would have to have been alleviated for any future buyer.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-90-07-09

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of _____
Fort Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) W. Johnson

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>J. Bradbury</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____

DATED:

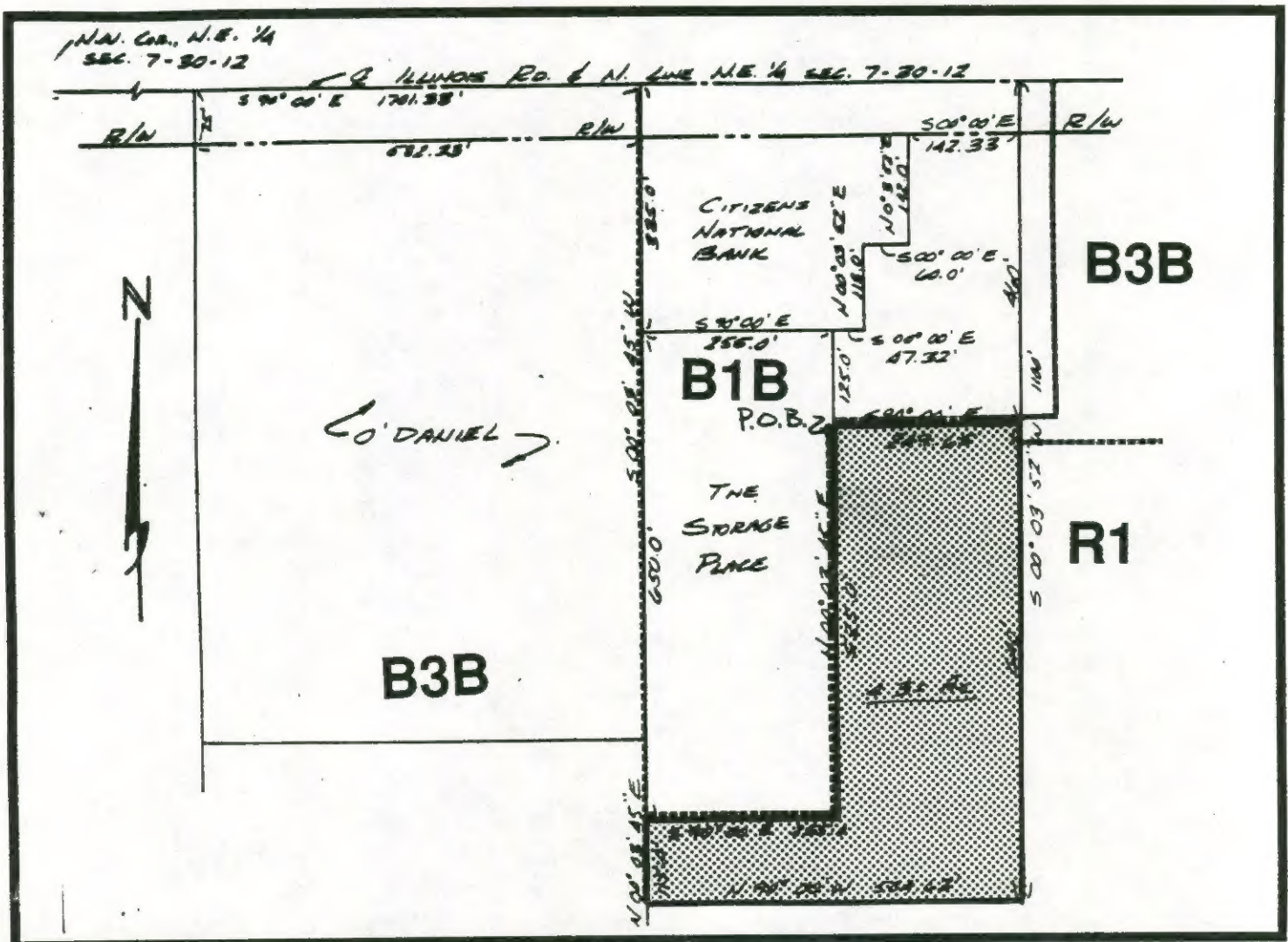
Sandra E. Kennedy
City Clerk

REZONING PETITION #441

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R1 DISTRICT TO A B3B DISTRICT.

MAP NO. E-2

COUNCILMANIC DISTRICT NO. 4

**ZONING:**

R1 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

B3B GENERAL BUSINESS "B"

LAND USE:

☐ **COMMERCIAL**

SCALE: NTS

LW

DATE: 6-21-90

